IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1474 of 1998
For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMESHBHAI PUNJABHAI HARIJAN

Versus

KANJIBHAI UKABHAI HARIJAN

Appearance: MR BD KARIA for Petitioner Nos. 1-3
MR JD AJMERA for the Respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/04/2004

ORAL JUDGEMENT

The petitioners are the original defendants of a suit, being Regular Civil Suit No.116 of 1996. The said suit is filed by the respondent for a declaration and injunction. In the said suit, the respondent gave an application Exhibit 5 for interim injunction. The trial court rejected the same, against which the respondent herein filed an appeal, being Civil Miscellaneous Appeal No.17 of 1997. The appellate court allowed the said appeal, by coming to the conclusion that the plaintiff has got prima facie case and that he is entitled to interim injunction during the pendency of the suit. Accordingly, the plaintiff was granted injunction by the appellate court. Against the said order, the original

defendants have filed the present Civil Revision Application.

Mr.Ajmera, learned Advocate for the respondent, submitted that the suit itself has now reached hearing before the trial court. He submitted that his client is in physical possession of the suit land. He, therefore, submitted that, in the interest of justice, this Court should order that the parties should maintain status quo prevailing as on today during the pendency of the said suit and requested that the suit may be expedited.

Considering the aforesaid aspect of the matter that the suit has already reached hearing before the trial court, both the parties are directed to maintain status quo prevailing as on today during the pendency of the suit and the trial court is directed to dispose of the aforesaid suit at the earliest, in any case, by 31st July, 2004.

Subject to what is stated above, the revision is disposed of. Rule is discharged. Interim relief is vacated. No costs.
Writ to be sent to the trial court for completing the suit within the stipulated time.

13th April, 2004 (P.B. Majmudar, J.)

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(apj)